

### **REMARKS**

Claims 1-13 are now pending in the application. Claims 1, 10 and 12 have been amended. No new matter has been added. In view of the above amendment, applicant believes the pending application is in condition for allowance.

### **DRAWINGS AND SPECIFICATION**

The drawings stand objected to because reference character "41" has been used to designate both recording medium and recording paper. Applicants have amended the specification in lieu of correcting the drawings to correct this error and therefore render this rejection moot.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner questions what is meant by the calculation of the amount being made on the "basis of a silicon atom as a reference." This rejection is respectfully traversed. Applicants offer the following explanation, which they submit would be understood by those of skill in the art:

As in the present invention, when monomers constitute a hydrolyzate of an amino silane compound and a silicon compound having a hydrophobic group, each of the monomers includes at least one silicon atom. The mol % of a monomer is equal to that of a silicon atom, provided that the monomer includes one silicon atom. In some cases, however, a silicon compound includes two or more silicon atoms. In such a case, the mol% of the monomer is not equal to that of the silicon atoms.

We calculate on the "basis of a silicon atom as a reference" to equalize this difference in mol% of the monomer and the silicon atom; specifically, in the above case where a monomer includes two silicon atoms, we double the number of moles of the monomer and in a case where a monomer includes three silicon atoms, we triple the number of moles of the monomer, before we calculate mol% of the monomer.

**REJECTION UNDER 35 U.S.C. § 102 AND § 103**

Claims 1, 3-7, 10 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsumura et al. (U.S. Pat. No. 6,419,732). Claims 8, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Matsumura et al. in view of Blease et al. (U.S. Pat. No. 6,585,362). Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blease et al. in view of EP 738771. Claims 1-7, 9, 10 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsumura et al. in view of EP 738771. Claims 8, 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsumura et al. in view of EP 738771 as applied to claims 1-7, 9, 10 and 12 and further in view of Blease et al.. This rejection is respectfully traversed.

Applicants have amended Claims 1, 10 and 12 to include hydrophobicity, which is not taught in Matsumura et al., Blease et al. nor EP 738771. It is respectfully submitted that the claims, as amended, now fully distinguish the applicants' invention from these cited references.

**PROVISIONAL DOUBLE PATENTING REJECTION**

Applicants note that the rejection is a *provisional* obviousness-type double patenting rejection, because the allegedly conflicting claims have not in fact been patented.

Accordingly, Applicants' reserve the right to file a Terminal Disclaimer at such time as the patentability of the allegedly conflicting claims has been resolved. No Terminal Disclaimer is being filed at this time, therefore.

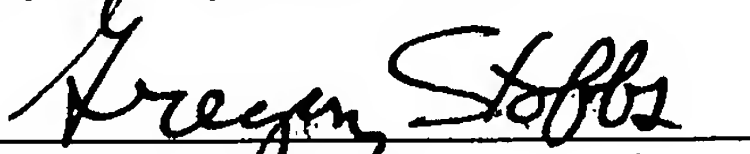
**CONCLUSION**

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 5077-000183/US from which the undersigned is authorized to draw.

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Respectfully submitted,

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